

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----

ALICE BURTON,

Plaintiff,

v.

DAVID L. ANDERSON, d/b/a ANDERSON SCRAP  
METAL, CYNTHIA R. PINDER., and  
ESTELLE B. ANDERSON,

Defendants.

-----

ORDER

12-cv-74-bbc

In an order entered on February 4, 2013, I pointed out that the notice of removal filed by defendant David Anderson, Cynthia Pinder and Estelle Anderson was insufficient to establish diversity jurisdiction under 28 U.S.C. § 1332 and gave defendants until March 19, 2012 to file an amended notice. Defendants have notified the court that they do not intend to file amended pleadings, which they understand will result in a remand. Dkt. # 13.

If plaintiff wants to stay in this court and can prove that diversity jurisdiction exists (which would require her to prove that each of the defendants is a citizen, not just a resident, of a different state from the state of which plaintiff is a citizen), she may have until February 21, 2012, in which to do so. To establish citizenship, plaintiff has to show where the person is domiciled, that is, where the person has an intention to remain indefinitely. Dakuras v.

Edwards, 312 F.3d 256, 259 (7th Cir. 2002).

ORDER

IT IS ORDERED that plaintiff Alice Burton may have until February 21, 2013, in which to advise the court whether she opposes a remand of this case back to the Circuit Court for Polk County, Wisconsin. If she does oppose the remand, she must submit evidence of defendants' citizenship. If she does not oppose it, she has only to say that she does not oppose sending this case back to the state court. If she does not respond to this order, the court will assume that she has no objection to the remand and will send the file back to the circuit court and close the case in this court.

Entered this 13th day of February, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge